

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICHARD EARL GEORGE,

Plaintiff,

v.

CISNEROS, *et al.*,

Defendants.

No. 1:21-cv-00319-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DISMISSAL OF CERTAIN CLAIMS

Doc. 35

Plaintiff Richard Earl George is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 13, 2025, the assigned magistrate judge screened the third amended complaint and issued findings and recommendations that this action proceed on plaintiff's claims against defendants Cisneros and Allison for unconstitutional conditions of confinement in violation of the Eighth Amendment related to the wet asbestos ceiling divider panels falling on plaintiff and others in the Facility B dining hall in November or December 2019 and September 2020. Doc. 35. The magistrate judge further recommended that all other claims be dismissed based on plaintiff's failure to state claims upon which relief may be granted. *Id.* The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. *Id.* No objections have been filed, and

1 the deadline to do so has expired.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
3 novo review of this case. Having carefully reviewed the file, the Court finds the findings and
4 recommendations to be supported by the record and by proper analysis.

5 Accordingly:

- 6 1. The findings and recommendations issued on November 13, 2025, Doc. 35, are adopted in
7 full;
- 8 2. This action shall proceed on plaintiff's third amended complaint, filed November 10,
9 2025, Doc. 36, against defendants Cisneros and Allison for unconstitutional conditions of
10 confinement in violation of the Eighth Amendment related to the wet asbestos ceiling
11 divider panels falling on plaintiff and others in the Facility B dining hall in November or
12 December 2019 and September 2020;
- 13 3. All other claims are dismissed from this action for failure to state claims upon which relief
14 may be granted; and
- 15 4. This action is referred to the magistrate judge for further proceedings.

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18 IT IS SO ORDERED.

19 Dated: December 28, 2025


UNITED STATES DISTRICT JUDGE